



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 28] नई दिल्ली, शक्रवार, जलाई 18, 1986/आषाढ़ 27, 1908
No. 28] NEW DELHI, FRIDAY, JULY 18, 1986/ASADHA 27, 1908

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 18th July, 1986:—

BILL No. 6 OF 1986

A Bill further to amend the Constitution of India.

Enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1986.

Short title and commencement.

(2) It shall come into force at once.

2. After article 174 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 174A.

"174A. Notwithstanding anything in clause (1) of article 174, if a requisition to summon the Legislative Assembly of the State, signed by more than one-half of the total number of members of the Assembly, is received by the Speaker of the Assembly, he shall summon the Assembly to meet at such time and place as he thinks fit on any date not later than fifteen days from the date of receipt of such a requisition."

Summoning of State Legislative Assembly on requisition by majority of members thereof.

STATEMENT OF OBJECTS AND REASONS

A controversy has often arisen as to who is competent to convene a meeting of a State Assembly. Conflicting claims have been advanced by Chief Ministers and on behalf of Governors. The continued support of a majority of the members of a State Assembly is the basis of a responsible Government. When this is in doubt the issue should be settled on the floor of the Assembly and hence this Bill.

NEW DELHI;

MADHU DANDAVATE

February 4, 1986.

BILL NO. 58 OF 1986

A Bill to regulate the employment of junior artistes in the film industry.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Junior Artistes' (Regulation of Employment) Act, 1986.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different States.

(4) It applies to the film industry and includes in its scope work carried at any place including outdoor shooting.

2. In this Act, unless the context otherwise requires,—

(a) "employer" means a person or an establishment having engaged, jointly or severally, in the management and/or administra-

Short
title,
extent,
com-
mence-
ment
and
appli-
cation.

Defini-
tions.

tion of production of a film and shall also include any other person who has taken on himself the responsibility of completion of the film;

(b) "film industry" means and includes any film studio or any other place created or designed for the purpose of film production, viz., feature films, documentaries, short reels, publicity and/or propaganda films;

(c) "Government" means the Government of India;

(d) "junior artistes" means and includes any person, minor or major, employed directly or indirectly to lend his or her physical appearance in the film designed for commercial exhibition.

Scheme
for en-
suring
regular
employ-
ment.

3. (1) The Central Government may, by notification in the Official Gazette, frame a scheme for the registration of junior artistes and producers with a view to ensuring greater regularity of employment and for regulating the employment and service conditions of junior artistes in the film industry.

(2) The scheme framed under sub-section (1) may in particular provide—

(a) for defining the obligations of junior artistes and producers subject to fulfilment of which the scheme may apply to them and the circumstances in which the scheme shall cease to apply to any junior artiste or producer;

(b) for regulating the recruitment and entry into the scheme of junior artistes and their registration including the maintenance of registers or rosters, the removal, either temporarily or permanently, of names from the registers or rosters and the imposition of fees for registration;

(c) for regulating the terms and conditions of service, including rates of remuneration, hours of work and conditions as to holidays and wages in respect thereof;

(d) for payment of minimum wages in respect of periods during which part-time or full-time employment is not available to junior artistes to whom the scheme applies and who are available for work;

(e) for training, welfare and provision of medical facilities to junior artistes;

(f) for the manner in which, and the persons by whom, the cost of operating the scheme is to be defrayed;

(g) for defining the extent to which other Acts of Parliament enacted or to be enacted shall apply to junior artistes; and

(h) for punishment to be awarded for contravention of any provision thereof, or any other malpractice.

Junior
Artistes'
Employ-
ment
Board.

4. (1) The Government shall constitute a Board to be called the Junior Artistes' Employment Board which shall be entrusted with the task of administration of the scheme.

(2) The Board shall consist of fifteen members, representing the Government, the junior artistes and the employers in equal proportion.

5. (1) The Board shall submit to the Government, within a period of six months of its constitution, rules of its working and detailed draft of the scheme, as envisaged in section 3.

(2) Every rule or the scheme made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or the scheme or both Houses agree that the rule or the scheme should not be made, the rule or the scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or amendment shall be without prejudice to the validity of anything previously done under that rule or the scheme.

(3) The Board shall be required to submit an annual report of the work and expenditure or, at any time, upon one month's notice to that effect from the Government.

STATEMENT OF OBJECTS AND REASONS

The junior artistes in the film industry are employed through middlemen known as "Extra Suppliers". The method of recruitment of junior artistes is beset with several evils. Favouritism and nepotism are rampant and junior artistes are exploited in a variety of ways.

No qualifications are prescribed for becoming junior artistes. Due to unregulated entry of artistes in the industry, one finds a keen competition amongst the artistes and exploitation by the suppliers. Therefore, insecurity of work, under-employment, unemployment and low wages are perpetual.

The working hours of the junior artistes like the rest of the workers in the industry are abnormal, irregular and strenuous. Minimum amenities such as rest hours, canteens and sanitation are not provided.

The Bill seeks to provide for a scheme for recruitment and conditions of service, etc. of junior artistes in the film industry.

NEW DELHI;
February 5, 1966.

MADHU DANDAVATE.

FINANCIAL MEMORANDUM

Clause 3 of the Bill envisages a scheme to regulate the employment of junior artistes in the film industry. Clause 4 of the Bill provides for administration of the scheme by a "Junior Artistes' Employment Board" consisting of fifteen members.

The Bill, if enacted, will thus involve some expenditure from the Consolidated Fund of India. No exact estimate can be given of the amount of recurring expenditure likely to be incurred over the maintenance and running of the scheme as envisaged in the Bill. But to start with an annual grant of rupees six lakhs will be sufficient.

Funds to be made available in the subsequent years will vary and will have to be determined from time to time.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill delegates to the Central Government powers to frame a scheme for the registration of junior artistes and producers with a view to ensuring regularity of employment of junior artistes in film industry; and for regulating the terms and conditions of service, including rates of remuneration, hours of work, training, welfare and medical facilities, etc. as also for the manner in which and the persons by whom the cost of operating the scheme is to be defrayed. Clause 5 of the Bill provides for making of rules for working of the Board.

Since the rules or the scheme will relate to matters of detail only, the delegation of legislation of legislative power is of a normal character,

BILL No. 59 OF 1986

A Bill further to amend the Reserve Bank of India Act, 1934 and the Banking Regulation Act, 1949.

Be it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

CHAPTER I

1. This Act may be called the Banking Laws (Amendment) Act, 1986. Short title.

CHAPTER II

AMENDMENTS TO THE RESERVE BANK OF INDIA ACT, 1934

- 2 of 1934. 2. In section 2 of the Reserve Bank of India Act, 1934 (hereinafter referred to as the principal Act), after clause (i), the following clause shall be inserted, namely:— Amendment of section 2.

‘(j) “salary earners’ co-operative credit society” shall have the meaning assigned to it in section 5 of the Banking Regulation Act,

30 of 1949. 1949.’

66 G of I—2—601.

Amend-
ment of
section
45H.

3. In section 45H of the Principal Act, after the words "a primary credit society", the words "or a salary earners' co-operative credit society" shall be inserted.

CHAPTER III

AMENDMENTS TO THE BANKING REGULATION ACT, 1949.

Amend-
ment of
section 3.

4. In section 3 of the Banking Regulation Act, 1949 (hereinafter referred to as the principal Act), after clause (b), the following clause shall be inserted, namely:—

"(bb) a salary earners' co-operative credit society;"

Amend-
ment of
section 5.

5. In section 5 of the principal Act, after clause (da), the following clause shall be inserted, namely:—

'(db) "salary earners' co-operative credit society" means a co-operative society,—

(i) the primary object of principal business of which is the transaction of banking business;

(ii) the membership (excluding nominal/associate membership) of which is limited to the salary earners of a particular organisation or trade; and

(iii) the bye-laws of which do not permit admission of any other co-operative society as a member;"

STATEMENT OF OBJECTS AND REASONS

The employees' co-operative credit societies, serving the poor middle class people for nearly half a century by providing them with cheap and easy credit for social needs and protecting them from the clutches of the usurers, have always stood on their own feet without any outside help or Government backing. These societies are procuring capital from their members and non-members who are very closely related to members and intimately known to one another. A bulk of the deposit comes from such non-members.

The Banking Regulation Act, 1949, coming into force from 1st March, 1966, in terms of the Banking Laws (Application to Co-operative Societies) Act, 1965 has given a death blow to such societies. According to this Act, all credit societies having share-capital and reserve fund of rupees one lakh and over and accepting deposits from non-members have become co-operative banks and have to fulfil various provisions similar to those applicable to big commercial banks. Amongst others, the vital provisions are to keep cash reserve and liquid cover of 28 per cent. of the total deposits and submission of periodical returns requiring expert knowledge which can only be done at the cost of increased expenditure on establishment head by 20 per cent. The societies can neither keep 28 per cent. of their borrowed capital blocked without earning interest nor can they refund their entire non-members' deposits to get declared as non-banking institution, as both processes will lead to total stoppage of their business for want of funds.

The West Bengal State Legislature amended in 1966 the State Co-operative Societies Act, so as to accommodate the non-members deposits through nominal/associate membership thereby treating their deposits as member deposits. Many other State Legislatures had passed similar laws long back as they considered such deposits indispensable for running the societies.

The Reserve Bank of India which has the authority to enforce the Banking Regulation Act, 1949, originally agreed to the above position but subsequently backed out and is not agreeing to acknowledge the deposits of the nominal/associate members as members deposits.

The object of the Bill is to remove the difficulties experienced by the employees' co-operative credit societies by amending the Reserve Bank of India Act, 1934 and the Banking Regulation Act, 1949, so that the provisions of these Acts will not apply to these societies.

NEW DELHI;

MADHU DANDAVATE.

February 5, 1986.

The President, having been informed of the subject matter of the Bill further to amend the Reserve Bank of India Act, 1934, and the Banking Regulation Act, 1949 by Prof. Madhu Dandavate, M.P., (Lok Sabha) recommends under clause (3) of article 117 of the Constitution of India the consideration of the Bill in Lok Sabha.

BILL NO. 48 OF 1986

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1986.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. After article 30 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 30A.

"30A. The State shall provide for free and compulsory education for all children upto higher secondary level."

Provision for free and compulsory education for children.

3. Article 45 of the Constitution shall be omitted.

Omission of article 45.

STATEMENT OF OBJECTS AND REASONS

The Directive Principles of State do provide, in article 45 of the Constitution, for free and compulsory education for all children until they complete the age of fourteen years. But, this provision is not at all enforceable by law.

In order to make it justiciable, this provision is proposed to be enunciated as one of the fundamental rights for promotion of educational and economic interests of the weaker sections of society who are unable to afford for the education of their children. This will also eradicate illiteracy and help in spreading education in common masses in the entire country.

When we talk of education in our present age, we think largely in terms of schools and colleges. While the rich people are able to send their children to schools and colleges, poor people are not able to do so because of financial difficulties.

It is, therefore, inevitable to provide education to all children compulsorily, free of cost, upto higher secondary standard.

This is the right time to amend the Constitution to make compulsory and free education a fundamental right.

Hence this Bill.

NEW DELHI;
March 13, 1986.

PRIYA RANJAN DAS MUNSI

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that the Central Government shall provide free and compulsory education to all children upto higher secondary level. The Central Government shall have to provide financial assistance to State Governments to achieve this object. The Central Government will have to open schools in places in Union territories where there are no schools and to supply text books, etc. to students. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. An annual recurring expenditure of about rupees one hundred crores is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five crores is also likely to be involved.

BILL No. 50 OF 1986

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

Short title
and
com-
mence-
ment.

1. (1) This Act may be called the Constitution (Amendment) Act, 1986.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion
of new
article
31.

2. After article 30 of the Constitution, the following article shall be inserted, namely:—

Com-
pulsory
sports
education
for
children.

"31. The State shall make sports education compulsory in all schools for all children until they complete the age of nineteen years."

STATEMENT OF OBJECTS AND REASONS

The Bill envisages to provide for compulsory sports education for children upto the age of 19 years. Today, when we claim to have good sportsmen in our country to face the challenge, we see a horrible situation that our schools are devoid of compulsory sports education. In schools, sports education should be included as one of the compulsory subjects to be taught to all able bodied children upto the age of 19 years.

A comprehensive legislation is necessary allowing the State Governments to draw up plans for introducing sports education that would suit to their climatic and cultural needs. The legislation should provide for stipends and free scholarships to the promising students who have achieved a certain degree of excellence in any sport, viz. hockey, football, cricket, tennis, swimming, etc. Thus the country will be able to have a sports bank of good sportsmen drawn from various parts of the country and the States can draw upon this bank for the best athletes and sportsmen in the national and international competitions.

The games help to break international barriers and knit the nations into a healthy union. They teach us the spirit of team work with patience and perseverance. The Directive Principles of State Policy only provide in article 45 of the Constitution for free and compulsory education for children. But it does not touch the sports element which this Bill intends to bring in as a part of school curriculum. The sports education will also inculcate among our youngsters the *esprit de corps* which is so essential for the unity and integrity of the country.

The Bill seeks to amend the Constitution to make sports education compulsory, in all schools, for all children.

NEW DELHI;
March 18, 1966.

PRIYA RANJAN DAS MUNSI

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that sports education shall be made compulsory in all schools for all children upto the age of nineteen years. The Central Government shall have to provide financial assistance to State Governments to carry out the provisions of the Bill. The Central Government shall have to appoint physical education teachers, procure sports goods, etc. for schools in the Union territories. The Bill, if enacted, therefore, would involve expenditure from the Consolidated Fund of India. An annual recurring expenditure of about rupees twenty-five crores is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees two crores is also likely to be involved.

BILL No. 70 OF 1986

A Bill further to amend the Industrial Disputes Act, 1947.

Be it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Industrial Disputes (Amendment) Act, Short title 1986.

14 of 1947. 2. In section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the principal Act), in sub-section (1), after the third proviso, the following proviso shall be inserted, namely:— Amendment of section 10.

“Provided further that where an industrial dispute is of the nature as is referred to in section 2A, the individual workman, who has been discharged, dismissed or retrenched or whose services have been otherwise terminated by his employer, may directly take the industrial dispute to a Labour Court for adjudication.”.

3. In section 11A of the principal Act, after the words “National Tribunal for adjudication”, the words “or where any proceedings are instituted under section 33 or section 33A before the Labour Court, Tribunal or National Tribunal, as the case may be,” shall be inserted. Amendment of section 11A.

STATEMENT OF OBJECTS AND REASONS

Under section 10 of the Industrial Disputes Act, 1947, only the appropriate Government has the power to refer industrial disputes to a Board or a Court of inquiry or a Labour Court or a Tribunal for adjudication.

The experience shows that often the officers incharge refuse to refer the matters relating to discharge or dismissal of workmen to a Labour Court. Writ petitions filed in the High Court against such orders of refusal result in quashing the orders of the Government refusing to refer such disputes for adjudication. However, it takes years to get such orders quashed. Moreover, the High Courts in such cases invariably ask the Government to reconsider the matter and such reconsideration takes further time.

In the circumstances, it is felt that if workmen are allowed to approach the Labour Court directly regarding discharge and dismissal orders, they will get relief expeditiously. In order to achieve this object, amendment to section 10 is suggested and it is sought to be provided that in case of discharge, dismissal, retrenchment or otherwise termination of services of a workman, he should have a right to approach the Labour Court directly.

Similarly there is a lacuna in section 11A of the Act. It does not cover matters arising out of section 33 or section 33A of the Act. Hence the Courts/Tribunals do not consider whether any punishment is proper or not or whether it is commensurate with the misconduct alleged and proved while deciding the matters under section 33 or section 33A of the Act. After these proceedings the workman is again driven to seek a reference under section 10. Thus there is duplication of proceedings resulting in inordinate delays. The Courts or Tribunals in such cases also should be armed with powers as provided under section 11A of the Act. If the Courts or Tribunals find that the punishment sought to be given is harsh, it should refuse to grant approval or permission to discharge or dismiss a workman and thus save workman from tremendous hardships and misery, and also avoid multiplicity of proceedings. Hence, amendment to section 11A is proposed.

The Bill seeks to achieve the above objectives.

NEW DELHI;

SHARAD DIGHE

April 4, 1986.

BILL NO. 69 OF 1986

A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 1986.

Short
title and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

C. O. 22.

2. In the Constitution (Scheduled Tribes) Order, 1950, in Part IX—*Maharashtra*—of the Schedule, after entry 30, the following entry shall be inserted, namely:—

Amend-
ment of
the
Schedule.

“30A. Koli Son, Suryavanshi Koli, Mangela Koli, Vaiti Koli, Gabit Koli, Pan Koli, Hindu Koli, Christian Koli, Koli”.

STATEMENT OF OBJECTS AND REASONS

Pursuant to the powers conferred by article 342(1) of the Constitution of India, the President of India made the Constitution (Scheduled Tribes) Order, 1950. The Parliament pursuant to the powers conferred by article 342(2) of the Constitution of India passed the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976, that is Act No. 108 of 1976 which received the assent of the President on the 18th September, 1976. Section 4 of that Act amended the Scheduled Tribes Orders in the manner and to the extent specified in the Schedule thereto. Part IX of that Schedule listed 47 tribes as Scheduled Tribes in relation to the Maharashtra State. It is found that some sub-tribes of Kolis (fishermen) of Maharashtra State have been left out even though they are also Scheduled Tribes.

In order to remove injustice done to them and to put the record straight they should be included in the Schedule. A number of representations in this regard have also been made by them to the State as well as the Union Government since then.

Hence this Bill.

NEW DELHI;
April 9, 1986.

SHARAD DIGHE

BILL No. 72 OF 1986

A Bill further to amend the Motor Vehicles Act, 1939.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Motor Vehicles (Amendment) Act, 1986.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

4 of 1939.

2. In the Motor Vehicles Act, 1939 (hereinafter referred to as the principal Act), in section 2,—

(i) the existing clauses (1) and (1A) shall be re-numbered as clauses (1A) and (1AA) respectively, and before clause (1A) as so renumbered, the following clause shall be inserted, namely:—

‘(1) “act policy” means the insurance policy by which insurer undertakes to cover the risk which is required to be covered compulsorily under section 95 of the Act.’;

Short
title
and
com-
mence-
ment.

Amend-
ment of
section 2.

(ii) after clause (2A), the following clause shall be inserted, namely:—

‘(2AA) “comprehensive insurance policy” means an insurance policy under which the insurer undertakes to pay all the liabilities of third parties without any limitation whatsoever.’;

(iii) the existing clause (29A) shall be re-numbered as clause (29AA), and before clause (29AA), as so re-numbered, the following clause shall be inserted, namely:—

‘(29A) “third party” means any person other than the parties to the contract of insurance of a motor vehicle and where an insurer has issued a third party insurance policy or a public risk policy, he shall be deemed to have covered the entire third party liability including liability to passengers being carried in a motor vehicle whether under a contract of employment or gratuitously or as a fare paying passenger and includes the Government.’.

Amend-
ment of
section
93.

3. In section 93 of the principal Act, clause (d) shall be omitted.

Insert-
tion of
new sec-
tion 95AB.

4. After section 95AA of the principal Act, the following section shall be inserted, namely:—

Liabi-
lity of
insurer
in case
of a com-
prehen-
sive
insu-
rance
policy.

“95AB. Notwithstanding anything contained in any other law for the time being in force, an insurer, who issues a comprehensive insurance policy in respect of a motor vehicle, shall be liable to pay the entire third party liabilities without any limitation of the amount whatsoever.”.

Substi-
tution
of new
section for
Section
103A.

5. For section 103A of the principal Act the following section shall be substituted, namely:—

Trans-
fer of
certifi-
cate of
insu-
rance.

“103A. Notwithstanding anything contained in any other law for the time being in force, where the ownership of a motor vehicle is transferred from one person to another person i.e. from the registered owner to a new person, the insurance policy under which the said vehicle is insured shall also be transferred to the new owner along-with the motor vehicle and the transfer of ownership shall not be effected until and unless the application for transfer under section 31 is accompanied by a certificate issued by the insurance company transferring the insurance policy to the new owner.”.

STATEMENT OF OBJECTS AND REASONS

In the absence of any definition of 'third party', 'comprehensive insurance policy' and 'act policy' in the Motor Vehicles Act, 1939, there is great ambiguity and persons affected by motor vehicle accidents have to spend avoidable time and money in getting compensation. Similarly, there is no provision that a motor vehicle shall not be transferred to another person without the transferrance of the insurance policy. It is, therefore, proposed to amend the parent Act to achieve these objects.

NEW DELHI;

BHATTAM SRI RAMA MURTY

April 21, 1986.

BILL NO. 60 OF 1986

A Bill to repeal the Central Sales Tax Act, 1956.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Central Sales Tax (Repeal) Act, 1986.

(2) It extends to the whole of India.

(3) It shall come into force on such date, within one year of the date of assent to the Bill, as the Central Government may, by notification in the Official Gazette, appoint.

Repeal of
Act No. 74
of 1956,

2. The Central Sales Tax Act, 1956 is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

By abolition of the sales tax and introduction of excise duty in lieu thereof, the revenue of the States as well as of the Central Government will increase manyfold. This will also help in reducing the menace of black money amassed by the tax evaders by unlawful means. The excise duty in lieu of sales tax be levied at the production stage.

It will also not be necessary to engage additional persons for the purpose of collection of increased excise, as the persons at present engaged in the collection of sales tax can be utilised for that purpose.

Neither the Central Government nor the State Governments will be at loss financially on account of abolition of sales tax as the return through excise duty would not fall short but on the other hand would increase many-fold.

The proceeds of funds collected through excise duty would be shared by the Central and the State Governments on the proportional basis.

Hence this Bill.

NEW DELHI;
March 4, 1986.

BALASAHEB VIKHE PATIL

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117 AND 274 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 28/86-ST, dated 9 April 1986 from Shri Janardhan Poojari, Minister of State in the Ministry of Finance to the Secretary-General, Lok Sabha.]

The President, having been informed of the subject matter of the Central Sales Tax (Repeal) Bill, 1986 by Shri Balasaheb Vikhe Patil, Member, Lok Sabha, recommends, under clause (1) of article 117 and clause (1) of article 274 of the Constitution, the introduction of the Bill in Lok Sabha.

BILL NO. 67 OF 1986

A Bill further to amend the Rice-Milling Industry (Regulation) Act, 1958.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Rice-Milling Industry (Regulation) Amendment Act, 1986.

(2) It shall come into force at once.

2. In section 3 of the Rice-Milling Industry (Regulation) Act, 1958 21 of 1958.
(hereinafter referred to as the principal Act),—

(i) in clause (b), after the existing proviso, the following proviso shall be inserted, namely:—

“Provided further that any rice mill, the rice milling operations of which are within the capacity of one ton per hour or less, shall not be treated as a rice mill for the purposes of this Act;”;

Short
title
and
Commencement.

Amendment of
section
3.

(ii) in clause (i), the following words shall be inserted at the end, namely:—

“but shall not include those non-trading rice mills whose working capacity is one ton per hour or less”.

3. In section 3A of the principal Act, the following words shall be inserted at the end, namely:—

“but shall not apply to those non-trading rice-millers attached to, or maintained with, the non-trading rice mills whose working capacity is one ton per hour or less”.

Amend-
ment
of sec-
tion 3A.

STATEMENT OF OBJECTS AND REASONS

Non-trading rice-mills numbering about 16,000 are located mostly in villages of Andhra Pradesh with a milling capacity of 1 ton per hour or less and are owned by farmers and lower middle class people who are not conversant with cumbersome procedures and intricacies of several existing laws. These are like cottage industries but people are not able to run their mills efficiently because of the obstructions put on their running on flimsy grounds like non-submission of a number of proformae, non-renewal of licences, etc. They are harassed, penalised, threatened with jail punishment, etc. by the officers regularly on some pretext or the other. Around a lakh of employees depending on them are getting underemployed.

This Bill is an attempt to give relief to the small non-trading rice millers, provide adequate employment to the labourers depending on them, and to make rice available at a cheap price to the consumers and better returns to the producers of rice of the area. The proposed amendments shall not cause reduction in the revenue to the Government but on the contrary will bring better understanding and peace in the relations of villagers with the Government.

Hence this Bill.

NEW DELHI;

K. S. RAO.

March 21, 1966.

BILL NO. 61 OF 1986

A Bill to provide for a scheme for eradication of unemployment from the country and to utilise the work force for the nation building activities especially in rural areas.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Eradication of Unemployment Act, 1986.

Short title,
extent and
commence-
ment.

(2) It shall extend to the whole of India.

(3) It shall come into force at once.

2. In this Act,—

Definitions.

(a) "concern" means any business or trading unit;

(b) "Government" means the Central Government;

(c) "prescribed" means prescribed by rules made under the Act; and

(d) "registered company" means any company registered under the Companies Act, 1956.

Employment
to citizens
registered
with Emp-
loyment
Exchange.

Grant of
unemploy-
ment al-
lowance.

Unemploy-
ment In-
surance
Scheme.

Imposition
of cess on
companies/
concerns.

Receipients
of unemp-
loyment
allowance
to perform
nation
building
activities

Power to
make rules.

3. The Government shall endeavour to provide every citizen who has attained the age of eighteen years and who is registered at the Employment Exchange with employment suited to his/her age and qualification.

4. Till such time as employment is provided to a citizen under section 3, he or she shall be entitled to an unemployment allowance as may be prescribed.

5. An Unemployment Insurance Scheme shall be started by the Government so as to provide for a special fund for the grant of unemployment allowance under this Act.

6. There shall be levied and collected as a cess, for the purposes of this Act, from every registered company or concern having an annual gross turn-over of more than rupees ten crores or a concern getting financial assistance from any nationalised bank or public financial institutions like Life Insurance Corporation, etc., at a rate of five per cent. of their annual gross profits.

7. Every receiptent of such unemployment allowance shall be required to perform certain nation building activities, preferably in the rural areas, like road building, drinking water supply projects, literacy, sanitation works, other construction projects, etc., for some specified period during the course of receipt of unemployment allowance.

8. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the aforesaid powers, such rules may provide for the following matters, namely:—

(a) the rate of unemployment allowance, referred to in section 4, which may differ in accordance with the qualification and skill of the registered unemployed person;

(b) the necessary details of the unemployment insurance scheme;

(c) the procedure to regulate all payments under the Act;

(d) the procedure to utilise the services of receiptents in nation building activities; and

(e) any other matter which is required to be, or may be, prescribed.

STATEMENT OF OBJECTS AND REASONS

The unemployment has assumed menacing proportions. Acute lack of employment opportunities in the country, as a result of various reasons including faulty planning and plan priorities, capitalist economic development structure and terms of loans from International Monetary Fund, has made employment a difficult proposition for both skilled as well as unskilled hands, educated and others.

It is high time that the Government ensure either employment or unemployment allowance to the idle work-force. For this, a scheme should be initiated and levy of cess has to be imposed on the corporate sector and other business concerns for this purpose.

An arrangement has also to be evolved in order to utilise the energy of the vast idle work-force in the nation building activities, particularly, in the rural sector, like construction of school buildings, roads, sanitation projects or the like.

Hence the Bill.

NEW DELHI;

HANNAN MOLLAH

March 6, 1986.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE
CONSTITUTION OF INDIA

[Copy of letter No. DGET-H-11019/1/86-MP(G), dated 29 April, 1986 from Shri P. A. Sangma, Minister of State of the Ministry of Labour to the Secretary-General, Lok Sabha.]

The President, having been informed of the subject matter of the Eradication of Unemployment Bill, 1986 by Shri Hannan Mollah, M.P., recommends the introduction and consideration of the Bill in Lok Sabha under article 117(1) and 117(3) of the Constitution.

FINANCIAL MEMORANDUM

Clause 4 of the Bill seeks to provide for unemployment allowance to the unemployed citizens registered with Employment Exchange. Clause 5 provides that the Central Government shall evolve an Unemployment Insurance Scheme. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India though companies and concerns would provide funds to some extent by way of cess. An annual recurring expenditure of about rupees five crores is likely to be involved from the Consolidated Fund of India. The recurring expenditure is expected to be reduced substantially as and when employment is provided.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Government to make rules for fixing the rate of unemployment allowance. Clause 8 empowers the Government to make rules for carrying out the provisions of the Bill.

All these are matters of procedure and administrative details and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

SUBHASH C. KASHYAP,
Secretary-General.

